

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 11, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Hawai'i

Consent to Assign General Lease No. 3163, G. J. Liloa Willard, Assignor, to Robert Emmett Hamilton and Susan Weinert Hamilton, Trustees under The Hamilton Joint Revocable Trust, Assignee, Waiakea, South Hilo, Hawaii, Tax Map Key: 3rd/2-1-07:29.

APPLICANT:

G. J. Liloa Willard, as Assignor, to Robert Emmett Hamilton and Susan Weinert Hamilton, Trustees under The Hamilton Joint Revocable Trust, whose business and mailing address is P.O. Box 125, Kurtistown, Hawaii 96760, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Waiakea, South Hilo, Hawaii, identified by Tax Map Key: (3) 2-1-7-29, as shown on the attached map labeled Exhibit A.

AREA:

7,839 square feet, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Residential purposes.

TERM OF LEASE:

21 years, commencing on 11/18/1946 and expiring on 11/17/1967. Lease was extended on 12/7/1962 with an expiration date of 3/14/2015. Last rental reopening occurred on 5/24/2002; There are no more rental reopenings scheduled.

ANNUAL RENTAL:

\$1,560.00.

CONSIDERATION:

\$190,000.00.

RECOMMENDED PREMIUM:

Not applicable as the lease does not allow for a premium.

DCCA VERIFICATION:

Both the Assignor and the Assignee are individuals and as such, are not required to register with the DCCA.

REMARKS:

General Lease # S-3163 dated 8/29/1946 between the Territory of Hawaii, by its Commissioner of Public Lands, and Stewart Walter Bisgood. Lease agreement was for a period of twenty-one (21) years commencing 11/18/1946.

Lease was assigned 3/1/1947, Stewart and Elisabeth Bisgood, Assignors to Felton and Emilie Williams, Assignees. Lease was assigned 5/14/1957, Norma Louise Hunt, Assignor to Kaiva Tuiasosopo, Assignee, there being no record of Assignment of Lease between Williams and Hunt.

Lessee Tuiasosopo qualified as a disaster victim under Section 87 of Act 32, sessions Laws of Hawaii 1962. Lease was subsequently extended on 5/25/1962 for a period of fifty- three (53) years terminating on 3/14/2015 with rental re-opening twenty (20) and forty (40) years from the most current lease agreement. The last rent re-opening will be for the duration of the lease.

There have been several subsequent assignments and are listed as follows:

Lease was assigned 6/21/1965, Kaiva Tuiasosopo Assignor to Kaiva Tuiasosopo and Josephine Martinson Tuiasosopo Assignee. Lease was assigned 9/2/1980, Kaiva Tuiasosopo and Josephine Martinson Tuiasosopo Assignor to Betty Andrus Cain.

Lease assigned 5/28/1982, Betty Andrus Cain, Assignor to Harold Charles Hutchins and Doris Hutchins, Assignees. Lease assigned 3/15/1990, Harold Charles Hutchins and Doris Hutchins, Assignors to Michael James Thomas and Cynthia Kuulei Thomas, Assignees. Lease assigned 4/25/1997, Michael James Thomas and Cynthia Kuulei Thomas, Assignors and G.J. Liloa Willard Assignee.

This assignment is the result of the sale of the leasehold property owned by Mr. Willard to Robert Emmett Hamilton and Susan Weinert Hamilton, Trustees under The Hamilton Joint Revocable Trust. Staff has informed all parties that the lease will expire on March 14, 2015 and cannot be extended any further. The Assignee is aware of the lease conditions and is acceptable to its terms.

The Lessee is compliant with the terms and conditions of the lease with regards to the rent and liability insurance. This lease does not have a provision for performance bond or property insurance.

The Assignee has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.


The last rental reopening occurred on 3/24/2002. There are no further rental reopening occurring before the expiration of the lease on 3/14/2015.

RECOMMENDATION:

That the Board consent to the assignment of General Lease No. 3163 from G.J. Liloa Willard, as Assignor, to Robert Emmett Hamilton and Susan Weinert Hamilton, Trustees under The Hamilton Joint Revocable Trust, as Assignee, subject to the following:

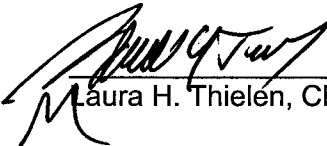
1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Gordon C. Heit
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

EXHIBIT A

TMK 3RD/2-1-07:29

KUHIO

BAY

3 (28)	782.67 50.03 (28)	50.03 (30)	50.03 (31)	50.03 (32)	50.03 (33)	50.03 (34)	50.03 (35)	50.0 (36)	50.0 (37)	50.0 (38)
Clarence T. O'Hama & M.F. K. Home - 78	(Kaiva Tuiasosopo & Josephine M. Tuiasosopo G.L. 3163	(Electrical Workers Local 1414 Building Trust)	(Lily Y. Wong) & 8022 G.L. 3162	(John W. Jensen & M. Adele M.) & 8114 G.L. 3166	(William J. Payne & M. Anna M.) & 8205 G.L. 3167	(Gospro, Ltd.) & 8296 G.L. 3168	(Ernest M. Cabriniha & Adelaide Cabriniha & 8277 G.L. 3169	8053 G.L. 3170		
7748	7830	7931								
28 50.0	29 50.0	30 50.0	31 50.0	32 50.0	33 50.0	34 50.0	35 50.0	36 50.0	37 50.0	38 50.0

DRIVE

Note: All lots owned by State of Hawaii
unless otherwise noted

SUBJECT PROPERTY

Assignment of GL 3163

